

**Governor's Land Use Agenda
Agriculture Pilot Projects
Proposed Bill Draft #2 – October 17, 2005**

Summary of bill

- An ag land uses pilot project program is authorized. Intent is to achieve the dual goals of protecting existing functions and values of critical areas and agricultural viability.
- An advisory committee is created for the project, with lead role by the Department of Agriculture. The roster includes legislative, agency and interest group members. Tribal participation is solicited.
- Reports to the Legislature are stipulated for 12/06 and 12/08.
- Three to six pilots are anticipated. Approaches to be examined include NRCS Field Office Technical Guides and TDRs, among others.
- Local support will be solicited prior to pursuing any pilot project.
- The WSU/UW Policy Consensus Center will provide project assistance.
- Funding: An appropriation for the projects may be submitted as a supplemental budget request.

Changes from the first draft

This second draft reflects the following changes from the first draft of September 29, 2005:

- Intent and purpose sections revised to:
 - Recognize variability among regions and types of agriculture
 - Specify that objective is protecting existing functions and values of critical areas while sustaining viable agriculture.
- Membership of advisory committee revised, with fewer representatives of state agencies and additional representatives of various types of agriculture.
- Initial project selection criteria are included (to be reviewed after PCC report later this year.)
- Additional types of potential projects are listed, along with expanded discussion of input and support from local governments and other affected parties.

AN ACT establishing pilot projects to develop and test regional programs and management practices that could lead to reconciling potential conflicts between existing agricultural uses and critical areas protections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
WASHINGTON:

NEW SECTION. **Sec. 1.** (1) The legislature finds that under the Growth Management Act, local governments have the responsibility to adopt plans and regulations to conserve agricultural lands of long-term commercial significance and to protect critical areas, and the discretion to design programs to accomplish both objectives.

(2) The legislature further finds that in some parts of the state, programs to address both the needs of agriculture and the protection of critical areas are generally accepted and appear to be working. However, in other parts of the state, programs to address these issues have resulted in conflict. The Policy Consensus Center is providing a review of what is working and what is not working in this policy arena, to help guide future action.

(3) The legislature recognizes that different approaches may be needed in various areas of the state and for the distinct types of agriculture to achieve viable agriculture while protecting critical areas. While “best management practices” for agriculture are stipulated in GMA for protecting resource lands from incompatible adjacent uses, and GMA appeal cases have supported BMP’s for agricultural activities within the buffer of a critical area, there is no formal GMA guidance on implementing agricultural BMP’s. Approaches other than BMP’s may also meet the objectives of GMA.

(4) The legislature therefore finds that pilot projects should be pursued to develop and test new programs and management practices that could lead to reconciling potential conflicts between existing agricultural uses and critical areas protections. The purpose of the agricultural pilot projects is to learn from, and not replace, programs that are working. The intent is to provide tools to protect existing functions and values while sustaining viable agriculture.

NEW SECTION. **Sec. 2.** (1) An agricultural pilot project is authorized to test and/or document a number of voluntary approaches or practices to protect existing functions and values of critical areas while sustaining viable agriculture. These could involve either new programs or new combinations of existing programs. These projects may also explore different roles for state and local governments and other affected parties in using existing programs to achieve these goals.

(2) The lead agency for this project shall be the department of agriculture. The state conservation commission shall provide technical assistance both directly and through work with the state conservation districts

(3) The department is directed to establish an advisory committee to include the following members:

(a) One member of the majority caucuses in the house of representatives and the senate. Each member of the senate or house of representatives when serving on the pilot projects advisory committee shall be entitled to receive reimbursement under RCW 44.04.120.

(b) The Director of the department of agriculture or their designee.

(c) The Chair of the washington state conservation commission or their designee.

(d) A representative appointed by the Association of Washington Cities.

(e) A representative appointed by the Washington State Association of Counties.

- (f) A member representing irrigated agriculture appointed by the governor.
- (g) A member representing non-irrigated agriculture appointed by the governor.
- (h) A member representing the livestock industry appointed by the governor.
- (i) A member representing environmental protection groups appointed by the governor.
- (j) A member representing salmon recovery interests appointed by the governor.

The governor shall invite a representative of tribal governments to serve on the advisory committee.

(4) Responsibilities of the advisory committee shall include: Refining the objectives and criteria for the pilot projects; recommending projects to be pursued; and providing reports to the Legislature by December 1, 2006 and December 1, 2008. Staff for the committee shall be provided by the department of agriculture and Washington state conservation commission.

(5) *(Preliminary draft – see note below)* Pilot project selection criteria shall include:

- (a.) Methods to be used should be peer reviewed to ensure proper application of science;
- (b.) The scale and potential impact of the pilot project must be limited to protect anadromous fisheries;
- (c.) Projects will have clear criteria or benchmarks whereby the success of the project can be gauged;
- (d.) Project approach will include demonstration that the existing functions and values of critical areas have been protected while sustaining viable agriculture; and
- (e.) Clear and achievable timelines and project milestones.

(Note: A report on the agricultural activity/critical area interface is anticipated in December from the Washington Policy Consensus Center. The

report will examine successes and challenges in addressing the twin goals of sustaining viable agriculture, and protecting values and functions of critical areas. The report will assist in refining criteria for selecting pilot projects based on past experiences and emerging opportunities.)

(6) Three to six pilot projects would be designed to gauge the effectiveness of both the process and the outcomes in conserving agricultural lands and protecting existing functions and values of critical areas. Pilots would evaluate regional differences, and be implemented within a collaborative framework. Agriculture in both designated long-term agricultural areas and rural areas will be included in the program. Techniques and approaches to be examined for potential pilot projects may include:

(a) Examining the effectiveness of Natural Resources Conservation Service Field Office Technical Guides (FOTGs) in protecting existing functions and values of critical areas adjacent to agricultural operations

(b) Transfer of development rights from agricultural land to urban and rural areas designated for growth and/or purchase of development rights programs.

(c) Pilot project(s) to develop monitoring and adaptive management program for critical areas regulations in agricultural lands, monitoring effectiveness of restoration projects, monitoring economic impacts on adjacent agricultural production, and data analysis of water quality information collected.

(d) Pilot project(s) to evaluate effectiveness of a agricultural activities mitigation program to restore historic estuarine or riparian corridor habitat as mitigation for conversion of marginal wetland habitat within designated agricultural lands or mitigation for impacts from agricultural activities conducted on Agricultural designated lands.

(e) Others as identified by the Washington Policy Consensus Center, advisory committee and the department.

(7) In selecting pilot projects for implementation, the advisory committee shall:

- (a) Seek input from affected parties; and
- (b) Solicit support from the county legislative authority in the affected county.

(8) The Department of Agriculture shall work with the Washington State University/University of Washington Policy Consensus Center to:

- (a) Report on current successes and challenges in conserving agricultural lands and protecting critical areas.
- (b) Assist the advisory committee and the Department of Agriculture to develop recommendations for new pilot programs
- (c) Assist in pilot implementation
- (d) Document progress and outcomes of pilot programs.

(9.) This section expires June 30, 2009.

(Note: A supplemental budget appropriation request is under consideration to fund this project.)